UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| UNITED STATES OF AMERICA, |) |
|---------------------------|--------------------------|
| Plaintiff, |) |
| v. |) Case No. 4:05CR379 HEA |
| DEMETRIALO L. BARLOW, |) |
| Defendant. |) |

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on defendant's Motion to Suppress Evidence and Statements, [Doc. No. 15]. The Court referred this matter to United States Magistrate Judge David D. Noce for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). An evidentiary hearing was set for May 10, 2006. Defendant appeared in open court, with counsel, and advised Judge Noce that he had decided not to raise any issues by way of pretrial motions.

Judge Noce recommended that the motion therefore be denied as moot. No objections have been filed within the prescribed time period. The Court, therefore need not conduct a *de novo* review, and in light of defendant's announcement, will adopt Judge Noce's recommendation.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion to Suppress Evidence and Statements, [Doc. No. 15] is denied as moot.

Dated this 30th day of May, 2006.

HENRY EDWARD AUTREY UNITED STATES DISTRICT JUDGE

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